

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:13-CT-3065-FL

JOHN MCLEAN,

Plaintiff,

v.

FRANK CASINO, ROBERT OWENS,
PAULA SMITH, TERRY CATLETT,
and UNKNOWN MEDICAL
SURGEON,

Defendants.

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The matter is before the court upon plaintiff's unopposed motion to amend and to direct the United States Marshal to serve summons and complaint (DE 20). In this posture, the issues raised are ripe for adjudication.

Plaintiff seeks to amend his complaint to provide the name of Dr. Henry Moyle for the defendant plaintiff previously identified as the unknown medical surgeon. The court GRANTS plaintiff's motion to amend. See Fed. R. Civ. P. 15(a)(1). The court now turns to plaintiff's motion to direct the United States Marshal to serve the summons and complaint. On October 30, 2013, the court issued an order directing the United States Marshal to make service on behalf of plaintiff. Thus, plaintiff's motion is DENIED as MOOT.

In summary, plaintiff's motion to amend (DE 20) is GRANTED, and the Clerk of Court is DIRECTED to substitute Dr. Henry Moyle for the defendant previously identified by plaintiff as unknown medical surgeon. Plaintiff's motion to direct the United States Marshal to serve summons and complaint (DE 20) is DENIED as moot.

SO ORDERED, this the 3rd day of December, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge